

SWORN AFFIDAVIT OF SPECIAL AGENT ALBERT MILLER, FBI:

1. Your Affiant is a Special Agent (SA) with the Federal Bureau of Investigations assigned to the Minneapolis Field Office, Bismarck Resident Agency in Bismarck, North Dakota. Your Affiant has been employed by the FBI since May of 2018. Your Affiant has successfully completed the Basic Field Training Course at Quantico, VA. Your Affiant primarily works violent crime and crimes against children.
2. As a Special Agent, your Affiant is responsible for enforcing federal criminal statutes including the sexual exploitation of children, pursuant to Title 18, United States Code (USC). Your Affiant has received training and actual experience relating to Federal Criminal Procedures, Federal Statutes, and FBI Regulations. Your Affiant has received training and instruction in the field of investigation of the sexual exploitation of children and has had the opportunity to participate in numerous investigations relating to the sexual exploitation of children. The information contained within the affidavit is based on your Affiant's training and experience, and information obtained from other law enforcement agents involved with this investigation including Mandan Police Department (MPD) Detective Joshua Scherr and North Dakota Bureau of Criminal Investigation (NDBCI) SA Pat Helfrich. SA Helfrich is a Certified Computer Forensic Examiner (CFCE) for NDBCI as is also assigned to the North Dakota Internet Crimes Against Children Task Force.
3. As a Special Agent with the FBI, your Affiant has the authority to investigate violations of federal law. Your Affiant also has authority to seek and execute federal process, to include criminal complaints. Your Affiant makes this affidavit in support of a criminal complaint charging Jacob DEMARAIS (DOB xx/xx/1985) with the offense of

Distribution and Possession of Materials Depicting the Sexual Exploitation of Minors, in violation of Title 18 United States Code (U.S.C.) Sections 2252(a)(2) and 2252(a)(4)(B).

4. The information in this affidavit is based on your Affiant's personal knowledge and information, the review of investigative reports prepared by other investigators, and information provided to your Affiant by other law enforcement officers and individuals. The information in this affidavit is provided for the limited purpose of establishing probable cause for a criminal complaint. As this affidavit is being submitted for the limited purpose of securing a criminal complaint, your Affiant has not included every fact known to him concerning this investigation. The information is provided in substance and in part.

5. In February of 2021, an FBI Online Covert Employee (OCE) who is a member of the FBI Child Exploitation Human Trafficking Task Force in Salt Lake City, Utah, engaged in conversation via Kik Messenger with Kik username "gorski221" in a known child pornography group titled "Verify for private group #cheezep." Kik user "gorski221" sent FBI OCE several videos depicted the anal and vaginal rape of prepubescent children. Additionally, Kik user "gorski221" offered to pay FBI OCE \$5,000.00 to have sex with FBI OCE's fictitious nine-year-old daughter.

6. The FBI sent Kik a subpoena requesting subscriber data for this account. The response from Kik identified the most recent and consistent IP addresses logging into this account belonging to Midcontinent Communications with an IP address of 96.3.10.69.

7. The FBI sent Midcontinent Communications a subpoena requesting subscriber information for IP address 96.3.10.69. Midcontinent Communications provided

subscriber information as Jacob DEMARAIS of 2309 East View Pl SE, Mandan, ND 58554.

8. Prior to the OCE Operation, in November of 2020, the Mandan Police Department Detective Joshua Scherr initiated an investigation based on a report filed by the National Center for Missing and Exploited Children (NCMEC) involving a video depicting a minor female being anally penetrated by an adult male's penis, which was uploaded through Kik Messenger using IP address 96.2.53.71. Mandan Police Department, working with NDBCI SA Pat Helfrich, issued DHS Summons to Midcontinent Communications and were provided account holder information for IP address 96.2.53.71 as Jacob DEMARAIS of 2309 East View Pl SE, Mandan, ND 58554. Several other videos depicting the sexual abuse of minors were also uploaded to the internet using the same suspect IP address.

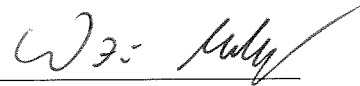
9. Pursuant to a search warrant of 2309 East View Pl SE, Mandan, ND 58554 executed on March 2, 2021, Mandan PD seized several electronic devices to include four iPhones and a Toshiba lap top computer. Detective Scherr turned these items over to NDBCI SA Helfrich for digital analysis.

10. On June 8, 2021, your affiant received a report concerning a Digital Media Exam of items seized from the possession of Jacob DEMARAIS conducted by NDBCI. In the report, NDBCI SA Helfrich concluded that he viewed and determined within Jacob DEMARAIS's electronic devices 1,148 images of CSAM and 2,194 images of child exploitative or age difficult material. The devices consisted to two iPhones, which had later been determined to be property of DEMARAIS's employer, Burlington Northern

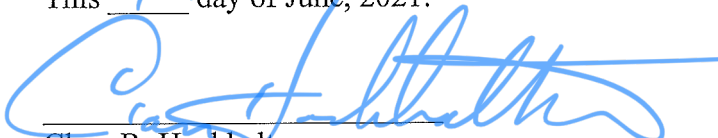
Santa Fe (BNSF), which were issued by BNSF to DEMARAIS in his capacity as an employee.

11. Based on the above facts and circumstances, your Affiant believe there is sufficient probable cause to charge, via criminal complaint, Jacob DEMARAIS with the offenses of Distribution and Possession of Materials Depicting the Sexual Exploitation of Minors, in violation of Title 18 United States Code (U.S.C.) Sections 2252(a)(2) and 2252(a)(4)(B).

FURTHER YOUR AFFIANT SAYETH NOT

  
Albert Shea Miller  
Special Agent

Federal Bureau of Investigation  
Subscribed and sworn to me  
This 9<sup>th</sup> day of June, 2021.

  
Clare R. Hochhalter  
Magistrate Judge, United States District Court